

**REMARKS**

Claim 19 is rejected under 35 U.S.C. § 112.

Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. § 102(e).

Claim 20 is rejected under 35 U.S.C. § 102(b).

Claim 52 is rejected under 35 U.S.C. § 102(b).

Claim 5 is rejected under 35 U.S.C. § 103(a).

Claims 1, 12, 19, 20, 24 and 52 are amended.

No new matter is added.

Claims 1-3, 5-7, 12-17, 19-22, 24-28 and 52 remain in the case for consideration.

Applicant requests reconsideration and allowance of the claims in light of the above amendments and following remarks.

***Allowable Subject Matter***

Claims 12-17 and 21-28 are allowed.

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for noting the allowability of the claims.

***Informalities***

Claims 19 and 24 are amended to correct the antecedent basis of "substrate."

***Claim Rejection – 35 U.S.C. § 112***

Claim 19 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant respectfully traverses the rejection.

Claim 19 is amended to depend upon claim 12. Withdrawal of the rejection is requested.

***Claim Rejections – 35 U.S.C. § 102***

Claims 1, 2, 6 and 7 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,784,478 to Merchant, et al. ("Merchant," of record).

Applicant respectfully traverses the rejections.

Claim 1 is amended to recite the limitation that a wire is electrically coupled to and in contact with a bottom surface of the contact region of the first stair-stepped metal layer through the contact opening in the dielectric layer. This amendment finds support in, for example, FIG. 5 of the Specification.

Merchant fails to teach all of the elements of the amended claim. For example, in FIG. 1, the top plate 34 of the capacitor apparently contacts the wire 19, as asserted by the Examiner, but only through the conductive via 44. In other words, the conductive via 44 is interposed between the top plate 34 and the wire 19, and thus the wire 19 is not in contact with the bottom surface of the contact region of the top plate (first stair-stepped metal layer), as recited in amended claim 1. Applicant submits that Merchant does not anticipate claim 1, and requests allowance of this claim.

Claims 2, 6 and 7 depend from claim 1 and inherently include all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claims. Therefore, claims 2, 6 and 7 are allowable for their dependency and their own merits. Allowance of these claims is requested.

Claim 20 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 6,365,954 to Dasgupta (of record).

Applicant respectfully traverses the rejection.

Claim 20 is amended to include the limitation that the top electrode is stair-stepped. Support for this amendment can be found in the Specification in, for example, FIG. 23.

Dasgupta fails to show all of the elements and limitations of claim 20. For example, Dasgupta, in FIG. 3, shows a top electrode 330 that is flat, having no steps. Applicant thus submits that Dasgupta does not anticipate claim 20, and therefore requests withdrawal of the rejection.

Claim 52 was rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. 6,184,567 to Fujisawa, et al. (of record, hereinafter "Fujisawa").

Applicant respectfully traverses the rejection.

Claim 52 is amended to include the limitation that the top electrode is stair-stepped. Support for this amendment can be found in the Specification in, for example, FIG. 5.

Fujisawa fails to show all of the elements and limitations of claim 20. For example, Fujisawa, in FIG. 8, shows a top electrode 22 that is flat, having no steps. Applicant thus submits that Fujisawa does not anticipate claim 52, and therefore requests withdrawal of the rejection.

***Claim Rejections – 35 U.S.C. § 103***

Claim 5 is rejected under 35 U.S.C. § 103(a) as being unpatentable over any of Merchant as applied above in view of U.S. 6,800,923 to Yamamoto.

Claim 5 depends from claim 1 and inherently includes all of the limitations of the base claim. As discussed above, the prior art does not teach the limitations of the base claim much less the further embodiments of the dependent claims. Therefore, claim 5 is allowable for its dependency and its own merits. Allowance of this claim is requested.

For the foregoing reasons, reconsideration and allowance of the remaining rejected claims (1, 2, 5, 6, 7, 19, 20 and 52) of the application as amended is solicited. The Examiner is encouraged to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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